

REMARKS

In response to the Office Action, dated July 12, 2005, Applicant respectfully requests reconsideration of the prior art rejections set forth by the Examiner under 35 U.S.C. §§ 102 & 103. Applicant submits that the references of record whether considered alone or in combination fail to either teach or suggest Applicant's presently claimed invention.

Applicant has modified all the independent claims to more clearly define the invention. All independent claims recite an enclosed storage area having a door wherein the storage area is inaccessible to a pet. Additionally, the claims recite a rest area supported by and over the storage area as well as steps leading to a rest area wherein said steps include drawers. The presently claimed invention advantageously provides a pet rest and recreation apparatus which not only provides a place for the pet to rest or sleep but also an enclosed storage which is only accessible to a pet owner for all of the pet's accessories and supplies. The presently claimed invention is far superior to existing pet houses which simply provide functional or ornamental pet recreational or rest spaces. There is simply no teaching or suggestion about an integrated pet rest and pet supply storage apparatus.

Raymond, U.S. Patent No. 3,173,398, is directed to an elevated lounge which can be placed adjacent to a window. Col. 1, lines 43-47. More specifically, Raymond discloses an inclined ramp leading to a lounge deck, wherein the angle of the ramp may be adjusted using adjustable brace members. Col. 2, line 71-Col. 3, lines 1-3. The platform of the lounge is supported by an object such as a table or other piece of furniture. Col. 2, lines 67-70. The ramp is provided with spaced apart side walls or rails which flank an intermediate floor on

which a pet can walk on. Col. 3, lines 7-10. The lounge deck is equipped with a floor and a cushioned surface on which a pet may rest. Col. 3, lines 28-30. The Examiner asserts that because the platform of the lounge rests on some window sill or furniture, a storage space is defined beneath it. On the contrary, the presently claimed invention provides a storage space such as, for example, a closet with a rest space which is supported by and provided over the closet. Additionally, the presently claimed invention recites that the storage space is closed off by a door and consequently inaccessible by a pet. Raymond neither teaches nor suggests an integrated storage space and pet rest space.

Northrop et al., U.S. Patent No. 5,964,189, is directed to a multi-level cat playhouse comprised of an open-topped lower pet recreational body portion, a partially open-bottomed upper pet recreational body portion, and a separator located between the upper and lower portions. Col. 2, lines 1-7. Northrop et al. discloses that the lower body portion includes a generally rectangularly configured peripheral wall structure extending upwardly from a bottom wall to define a first interior space. Col. 4, lines 62-67. Access to the first interior space is provided by one or more access apertures which accommodate entry of a cat. Col. 5, lines 3-6. A layer of carpeting or other soft flooring material covers the first interior space to enhance the comfort of a reclining cat. Col. 5, lines 9-12. Additionally, a partially open-bottomed upper body portion includes a partial bottom wall as well as side walls defining a generally frusto-pyramidal interior space. Col. 5, lines 18-24; lines 45-49. The combination of a removable separator and the partially open-bottomed upper body portion defines a second interior space. Col. 6, lines 6-12. An accessway is provided between the first interior space of the lower body portion and the second interior space of the upper body portion for

the pet. Col. 6, lines 12-19. Finally, the upper level of the playhouse, the roof of the upper body portion, defines an exterior area suitable as an elevated perch. Col. 7, lines 39-45. All of these spaces provide locations within which a cat may recline and experience a greater degree of security. Moreover, toys such as bells and chains as well as viewing apertures are provided at various locations for the enjoyment of the cat. Col. 9, lines 11-30.

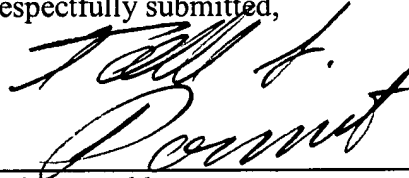
As a result, Northrop et al. provides a Victorian-era style playhouse for a cat with various interior pet recreation spaces. Col. 5, lines 59-65. Northrop et al. neither teaches nor suggests providing a storage space enclosed by a door and inaccessible by a pet. Additionally, the presently claimed invention comprises steps leading to a rest area wherein said steps include drawers. Consequently, the presently claimed invention provides an integrated storage and pet rest apparatus rather than a playhouse with various sections accessible for enjoyment of a pet.

Finally, Baiera et al., U.S. Patent No. D413,415, discloses a toy including horizontal bar mountable to a side wall and a cat amusing device tethered thereto. However, the presently claimed invention provides a pole which traverses the storage space, which space is inaccessible to a pet. The pole recited by the presently claimed invention provides a convenient support structure to hang pet accessories for storage. Conversely, Baiera et al. discloses a pet toy which may be attached to a wall.

Appl. No. 10/677,576
Amdt. Dated October 11, 2005
Reply to Office Action of July 12, 2005

The references of record fail to teach or suggest these advances in the art. Applicant respectfully submits that all claims now stand in condition for allowance.

Respectfully submitted,



(Reg. #26,494)

Date: October 12, 2005

Todd S. Parkhurst
HOLLAND & KNIGHT LLC
131 S. Dearborn, 30th Floor
Chicago, Illinois 60603
Tel: (312) 263-3600
Attorney for Applicant



Appl. No. 10/677,576
Amdt. Dated October 11, 2005
Reply to Office Action of July 12, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States
Postal Service as Express Mail on October ~~12~~ 2005 in an envelope addressed to:

**Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

*Tall f.
Permut*

Attorney for Applicants

3291324_v1